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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,861	07/23/2003	Johan Van Walsem	14074-003001	7989

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EXAMINER

LILLING, HERBERT J

ART UNIT PAPER NUMBER

1651

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/625,861	<b>Applicant(s)</b> WALSEM ET AL.	
	<b>Examiner</b> HERBERT J. LILLING	<b>Art Unit</b> 1651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-127 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-127 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7-23-03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner. *Figures I & II are*
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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1. Receipt is acknowledged of the prior art information disclosure statement filed October 20, 2003.

2. Claims 1-127 are pending in this application.

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-27 and 108-111, drawn to a method of separating a polymer from a biomass containing the polymer, which employs applying a centrifugal force to the solution, classified in numerous classes and subclasses depending upon the polymer.
- II. Claims 28-51 and 115, drawn to a method of separating a polymer from a biomass containing the polymer, which does not require applying a centrifugal force to the solution, classified in numerous classes and subclasses depending upon the polymer.
- III. Claims 52-74 and 116-119, drawn to a method of separating a polymer from a biomass containing the classified in numerous classes whereby a polymer solution has a polymer concentration of at least about 2 percent and a viscosity at most about 100 centipoise, classified in numerous classes and subclasses depending upon the polymer.
- IV. Claims 75-98 and 120-123, drawn to a method of separating a polymer from a biomass containing the polymer which requires contacting the

biomass with at least one alkane to remove at least some of the impurities, classified in numerous classes and subclasses depending upon the polymer.

- V. Claims 99-104 and 124-127, drawn to a method of separating a polymer from a biomass containing the polymer which requires contacting the biomass with a solvent system under countercurrent flow conditions, classified in numerous classes and subclasses depending upon the polymer.
- VI. Claims 105-106, drawn to drawn to a method of separating a polymer from a biomass containing the polymer whereby biomass is contacted with a solvent system using a one-stage process that forms a PHA phase and a residual phase which requires a ratio of volume of the solvent system present in the PHA phase to volume of the solvent system contacted with the biomass is at least about 0.8. classified in class 435, subclass 135.
- VII. Claim 107, drawn to drawn to a method of separating a polymer from a biomass containing the polymer whereby biomass is contacted with a solvent system using a one-stage process that forms a PHA phase and a residual phase which requires a ratio of volume of the solvent system present in the PHA phase to volume of the solvent system contacted with the biomass is at most 0.2. classified in class 435, subclass 135.

4. The inventions are distinct; each from the other because each of the above inventions is drawn patentably distinct process steps, which require a search and examination in numerous classes and subclasses due to the extremely broad, claimed language. The search and examination for the multiple inventions would be extremely burdensome to examine the tremendous number of inventions as well as the numerous claims within most of the inventions. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their extremely broad classification, have acquired a separate status in the art because of their recognized divergent subject matter and the search required for one invention is not required for the other invention, thus the restriction for examination purposes as indicated is proper. The computerized searches requires distinct and separate searches for the multiple inventions. The claims are so broad that a basic search on STN would yield hundreds of hits for the broad claimed inventions.

This application contains claims directed to the following patentably distinct species of the claimed invention:

Applicant is required to elect one single specific solvent, one single specific polymer and one single specific precipitant for the elected inventions I-III and one single specific solvent system, one single specific polymer and one specific alkane for Invention IV-VII

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Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Examiner Lilling whose telephone number is 571-272-0918 and Fax Number is (703) 872-9306** or SPE Michael Wityshyn whose telephone number is 571-272-0926. Examiner can be reached Monday-Thursday from about 5:30 A.M. to about 3:00 P.M. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.J.Lilling: HJL  
(571) 272-0918  
Art Unit 1651  
November 14, 2005



Dr. Herbert J. Lilling  
Primary Examiner  
Group 1600 Art Unit 1651